

## **EXHIBIT E**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

WILLIAM C. DOUGHERTY and	)	
ANARGYROS KEREAKES, individually	)	
and on behalf of other similarly situated	)	
members of the Chicago Police Department,	)	
	)	
Plaintiffs,	)	No. 15 CV 10975
	)	
vs.	)	Judge Charles P. Kocoras
	)	
CITY OF CHICAGO, an Illinois Municipal	)	Magistrate Judge Beth W. Jantz
Corporation,	)	
	)	
Defendant.	)	Jury Demanded

**PLAINTIFFS' SUPPLEMENTAL RESPONSES  
TO DEFENDANT'S REQUESTS TO ADMIT**

OBJECTION: In paragraphs 6, 8, 10, 12, 14, 15, 17, 19, 20, 21, 22 and 23, the City of Chicago refers to the programs that are the subject of this lawsuit using the words “Special Employment.” Special Employment is a term of art and Section 16.2 of the FOP CBA is entitled “Special Employment.” The program work that is the subject of this lawsuit is not covered by Section 16.2 and is not “Special Employment” as the term is defined in the FOP CBA and understood between the parties. Hence, Plaintiffs object to the use of this potentially confusing terminology and request that the programs be referred to as “case-related programs” or the terminology used by CPD, which is “Voluntary Special Work Opportunities.” (“VSWOs”). If any of the above-referenced requests are in fact referring Section 16.2 Special Employment, they are denied in total.

REQUEST NO. 1:

The non-FLSA overtime compensation paid to sworn members for hours worked as an extension of or beyond a scheduled shift or tour of duty in a police period is excludable from the FLSA “regular rate” and creditable toward FLSA overtime compensation due pursuant to 29 U.S.C. §§ 207(e) and (h).

RESPONSE: Denied.

REQUEST NO. 2:

The additional premium compensation paid to sworn members for hours worked on a designated holiday in a police period (Sections 11.1 and 11.2 of the Police Officers' CBA, Sergeants' CBA, and Lieutenants' CBA) is excludable from the FLSA "regular rate" and is creditable toward FLSA overtime compensation due pursuant to 29 U.S.C. 207(e) and (h).

RESPONSE: Denied.

REQUEST NO. 3:

The non-FLSA overtime compensation paid to sworn members for hours worked in excess of the sworn member's normal working hours or regular working hours in a police cycle is excludable from the FLSA "regular rate" and is creditable toward FLSA overtime compensation due pursuant to 29 U.S.C. 207(e) and (h).

RESPONSE: Denied.

REQUEST NO. 4:

Sergeants/Lieutenants are not entitled to receive more than one Rank Credit (a single credit of .75 hours (or previously 0.5) of compensatory time) on any calendar day.

RESPONSE: Admitted.

REQUEST NO. 5:

The 2007 Time and Attendance Card ("T/A Card") for John Gartner (Employee No. 000350) shows that he received Rank Credit for August 24, 2007.

RESPONSE: August 24, 2007, was a regularly scheduled workday for John Gartner and the TA card indicates that he worked the scheduled day and received a rank credit. Admitted.

REQUEST NO. 6:

On August 24, 2007, John Gartner (Employee No. 000350) participated in a Special Employment Voluntary Overtime Program referred to as Dan Ryan North.

RESPONSE: Records produced by the City indicate that Gartner did work the 5-hour program known as Dan Ryan North on August 27, 2007. Admitted.

REQUEST NO. 7:

The 2017 T/A Card for John Gartner (Employee No. 000350) shows that he received Rank Credit for March 30, 2017.

RESPONSE: Admitted.

REQUEST NO. 8:

On March 30, 2017, John Gartner (Employee No. 000350) participated in a Special Employment Voluntary Overtime Program referred to as VRI Supplemental.

RESPONSE: Denied. Records produced by the City indicate that Gartner worked “VRI – Supervisor Supplemental” on that date, which is a different program.

REQUEST NO. 9:

The 2007 T/A Card for Laura Blum (Employee No. 009306) shows that she received Rank Credit for January 5, 8, 12, 19, and 22, 2007, February 5, 14, 16 and 23, 2007, and March 2, 12, 19, 26 and 30, 2007.

RESPONSE: The aforementioned days were all regularly scheduled workdays for Laura Blum and the TA card indicates that she worked the scheduled days and received a rank credit. Admitted.

REQUEST NO. 10:

On January 5, 8, 12, 19, and 22, 2007, February 5, 14, 16 and 23, 2007, and March 2, 12, 19, 26 and 30, 2007, Laura Blum (Employee No. 009306) participated in a Special Employment Voluntary Overtime Program referred to as Dan Ryan South.

RESPONSE: Records produced by the City indicate that Blum worked the 5-hour program known as Dan Ryan North in addition to her regularly scheduled workday on the aforementioned days. Admitted.

REQUEST NO. 11:

The 2008 T/A Card for Donald Koplitz (Employee No. 058184) shows that he received Rank Credit for January 8 and 9, 2008, February 5 and 13, 2008, March 25, 2008, April 2 and 10, 2008, May 5 and 30, 2008, and June 3 and 10, 2008.

RESPONSE: Admitted.

REQUEST NO. 12:

On January 8 and 9, 2008, February 5 and 13, 2008, March 25, 2008, April 2 and 10, 2008, May 5 and 30, 2008, and June 3 and 10, 2008, Donald Koplitz (Employee No. 058184) participated in a Special Employment Voluntary Overtime Program referred to as Students First Safety Project.

RESPONSE: Denied. However, of the 11 dates, Donald Koplitz did work the 4-hour Students First Safety Project on 10 of them. Koplitz did not work the Students First Safety Project on May 30, 2008.

REQUEST NO. 13:

The 2008 T/A Card for Donald Koplitz (Employee No. 058184) shows that he received Rank Credit for May 30, 2008.

RESPONSE: Admitted.

REQUEST NO. 14:

On May 30, 2008, Donald Koplitz (Employee No. 058184) participated in a Special Employment Voluntary Overtime Program referred to as the Students First Safety Project.

RESPONSE: Denied.

REQUEST NO. 15:

The 2008 T/A Card for Donald Koplitz (Employee No. 058184) records the amount of hours Koplitz worked in a Special Employment Voluntary Overtime Program referred to as the Students First Safety Project on May 30, 2008.

RESPONSE: Denied.

REQUEST NO. 16:

The 2011 T/A Card for Donald Koplitz (Employee No. 058184) shows that he received Rank Credit for January 20, 2011.

RESPONSE: Admitted.

REQUEST NO. 17:

On January 20, 2011, Donald Koplitz (Employee No. 058184) participated in a Special Employment Voluntary Overtime Program referred to as Transit Surge Initiative.

RESPONSE: Denied. City records produced for that date indicate that Koplitz worked a program known as “Transit Surge Initiative Team 4 hours” on the date in question.

REQUEST NO. 18:

The 2014 T/A Card for Alejandro Silva (Employee No. 035738) shows that he received Rank Credit for February 15, 2014.

RESPONSE: Admitted.

REQUEST NO. 19:

On February 15, 2014, Alejandro Silva (Employee No. 035738) participated in a Special Employment Voluntary Overtime Program referred to as VRI.

RESPONSE: Admitted.

REQUEST NO. 20:

The 2014 T/A Card for Alejandro Silva (Employee No. 035738) records the amount of hours Silva worked in a Special Employment Voluntary Overtime Program referred to as VRI on February 15, 2014.

RESPONSE: Denied.

REQUEST NO. 21:

There are occasions where Special Employment Voluntary Overtime Programs were recorded on the Time and Attendance Cards prior to February 2016.

RESPONSE: Denied

**SUPPLEMENTAL RESPONSE:** Admitted prior to February 8, 2010. Denied from February 8, 2010, to January 31, 2016. Prior to February 8, 2010, the date when the Director of the Finance Division, Frank Wilson, issued a memorandum stating Program overtime hours would no longer be submitted through T&As or pay listings, but processed via the Officer Deployment Application for Payment (CITY005331), there are occasions where case-related program hours were recorded on T&As. This includes the occasion on December 26, 2009, where Sgt. Braithwaite's hours worked in Operation Safe City were recorded on her T&A card.

Regarding the date range of February 8, 2010, up to January 31, 2016, Plaintiff denies this Request to Admit. As explained below, the examples the City provided does not show program work being recorded on T&A cards within that date range:

Dwayne Johnson; October 4, 2014; VRI. Johnson's TA card shows that he worked 10 hours and received rank credit on his RDO on October 4, 2014. However, Johnson's VRI records indicate that he worked 8 hours. Thus, the 10 hours worked on October 4, 2014 that appear on his TA card are obviously not program hours, but hours worked within his district on his RDO.

Dwayne Johnson; February 1, 2015; VRI. Johnson's TA card shows that he worked 9 hours and received rank credit on his RDO on February 1, 2015. However, Johnson's VRI records only show that he worked 8 hours. Thus, the 9 hours worked on February 1, 2015, per his TA card, are obviously not program hours, but hours worked within his district on his RDO.

Dwayne Johnson; February 21, 2015; VRI. Johnson's TA card shows he worked 5 hours and received rank credit on his RDO on February 21, 2015. However, Johnson's VRI records show that he worked 8 hours. Thus, the 5 hours worked on February 21, 2015, per his TAs, are

obviously not program hours, but hours worked within his district on his RDO.

Gregory Reynolds; October 12, 2014; Marathon. Reynolds' TA card shows he worked 8 hours and received rank credit on his RDO on October 12, 2014. However, Johnson's Marathon records show that he worked 12 hours. Thus, the 8 hours worked on October 12, 2014, per his T&As, are obviously not the 12 Marathon program hours.

REQUEST NO. 22:

There are occasions where Special Employment Voluntary Overtime Programs were recorded on the Time and Attendance Cards after February 2016.

RESPONSE: Admitted. Beginning February 1, 2016, the City changed the method of recording program hours to include them on TA cards. That change was made in response to this lawsuit.

REQUEST NO. 23:

There are occasions when a sworn member received Rank Credit on days that they also worked a Special Employment Voluntary Overtime Program.

RESPONSE: Admitted, but this admission is limited to an unknown number of occasions in the Traffic Unit and is based on deposition testimony given by Traffic Unit supervisors as plaintiffs have not yet received Traffic program records from the City. Plaintiffs additionally admit that that are occasions where sworn members received rank credit on days when program work is also performed, but only when the program worked is less than a tour of duty; *i.e.*, 4 or 5 hours and a regularly scheduled tour was worked on the same day. Outside of the Traffic Unit, plaintiffs are unaware of rank credit being issued for any eight-hour program such as VRI.

**SUPPLEMENTAL RESPONSE:** Outside of the Traffic Unit, Plaintiffs are unaware of rank credit being issued for Program work for the period after February 8, 2010. While there are days where supervisors outside of the Traffic Unit have worked program work and non-program work on the same date, we have not been provided with any evidence that the rank credit was issued for the program work as opposed to the non-program work.

With regard to the dates prior to February 8, 2010, please see Plaintiffs' Supplemental Response to RTA #21.

s/Paul D. Geiger  
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